IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 50657-M of 2006

DATE OF DECISION : 12.10.2006

Ompati and others

.... PETITIONERS

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. K.S. Sidhu, Advocate,
for the petitioners.

Mr. N.S. Gill, AAG, Punjab.

Mr. S.S. Khurana, Advocate,
for respondent No.2.

* * *

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 108 dated 2.3.2006 registered at Police Station Kotwali Bathinda, District Bathinda, under Sections 498-A, 406, 109 IPC, on the basis of compromise effected between the parties.

In pursuance of the notice issued by this Court, respondent No.2-complainant has appeared. Her husband Rakesh Kumar Jangra-respondent No.4 is also present in Court and he has made the following statement :-

> "My marriage was solemnized with respondent No.2-Sonia on 17.4.2002. Thereafter, due to some difference between us, my wife lodged an FIR No. 108 dated 2.3.2006 under Sections 498-A, 406, 109 IPC at Police Station Kotwali Bathinda, District Bathinda. Now with the intervention of the family members and on my assurance to the respectables that I will keep my wife happy and she will not be harassed by me as

well as by any of the family members, I also undertake that in future I and any of my family member will not harass my wife. On this assurance now my wife agreed to live with me."

The aforesaid statement of Rakesh Kumar Jangra-petitioner No.4 has been counter signed by his counsel. After hearing this statement, the complainant-wife Sonia has made the following statement :-

"I have heard the statement of my husband-Rakesh Kumar Jangra. In view of the undertaking given by him, I have no objection, if the aforesaid FIR is quashed."

The statement of Sonia-respondent No.2 has also been counter signed by her counsel.

After hearing the arguments of learned counsel for the parties and keeping in view the fact that petitioner No.4, the husband of the complainant has given assurance to keep the complainant-wife happy and that in future, he or any of his family members will not harass her and further in view of the fact that the complainant-wife has agreed to live with her husband, I am of the opinion that since the parties have compromised the matter and the couple is residing together peacefully and happily, therefore, no useful purpose will be served by continuing with the criminal proceedings in the instant FIR and it will be future because respondent No.2-complainant is not going to support the prosecution case. I am satisfied that the settlement arrived at between the parties is bonafide. Therefore, in view of the aforesaid statement of respondent No.2-complainant, the fact that the parties have compromised the matter and the law laid down by the Supreme Court in ***B.S. Joshi and others*** vs. ***State of Haryana and another,*** JT 2003 (3) SC 277, FIR No. 108 dated 2.3.2006 registered at Police Station Kotwali Bathinda, District Bathinda, under Sections 498-A, 406, 109 IPC and all the proceedings arising therefrom are quashed.

Petition is accordingly allowed.

October 12, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**